



**Zoning Board of Appeals Minutes
Wednesday, February 17, 2021
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff:

Angela Hammer- City Attorney
Brooke Benoit- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Samantha Heim – Videographer
Jeremy Carter - Traffic Engineer

Others:

Kylie Bunke- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the ZBA, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on January 8, 2021. Since this is a public hearing with an unknown number of attendees, which would be more than 10 people, an in-person meeting at City Hall is not feasible at this time.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments

being submitted by 5:00 pm, on February 17, 2021 to Board Secretary Leisha Kury's email, or the City's payment drop box located at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers. However, as of Friday, November 20, 2020, City Hall was closed to the public but recently opened back up on February 8, 2021 so all comments had to be submitted in writing.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted.
- No person will be allowed to speak unless they are first recognized by the Chair.
- All votes will be by roll-call.
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City Hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, February 22, 2021 at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, March 1, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, March 16, 2021. If for any reason the item is

laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:36 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the January 20, 2020 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

ZBA 001-21
Applicant
Ward 11

1312 7th Street
Safa Quraishi
Special Use Permit for a U-Haul renting service in a C-2, Limited Commercial Zoning District

Mustafa Abdall, spoke in behalf of Safa Quraishi. Mr. Abdall is requesting a layover due to not having the updated site plan drawings for the parking lot. Mr. Abdall stated the engineer is working on fixing those set of plans and re-submitting to the city.

A **MOTION** was made by Dan Roszkowski to **LAYOVER** Special Use Permit for a U-Haul renting service in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

ZBA 002-21
Applicant
Ward 4

3068 McFarland Road and 30XX McFarland Road
Dan Angspatt for Shorewood Development Group
Special Use Permit for new and used passenger vehicle sales with a motor vehicle repair shop in a C-2, Limited Commercial Zoning District

The applicant, Dan Angspatt, was present. Mr. Angspatt is presenting the project at 3068 McFarland Road and they are looking for a Special Use Permit for new and used passenger vehicle sales with a motor vehicle repair shop. The subject property located between North Perryville Road and McFarland Road, 275 feet north of Olde Creek Road. Mostly commercial uses surround the subject property, but there are residential uses to the west. Dan Roszkowski asked the applicant if this is North of JMK Nipon's. Mr. Angspatt responded this is located at the former Gander Mountain location.

Tom Fabiano asked the applicant if this is a new dealership or a used dealership. Mr. Angspatt responded they are presenting for automotive sales and there would be new and used vehicles for sale.

Mr. Roszkowski asked the applicant if they are using the vacant property between the Gander Mountain and McFarland Road. Mr. Angspatt responded that was correct. Mr. Angspatt stated there are currently two lots that they are looking at, Lot 10 and Lot 11. Lot 11 is currently undeveloped so this project would convert the green space to a parking lot.

Kim Johnsen asked the applicant if they will be working on the landscaping issues that staff has on their recommendations and what brand of vehicles they will be selling. Mr. Angspatt responded the brand is undisclosed at the moment. Mr. Angspatt stated for the landscaping, they provided a preliminary landscaping and will do some upgrades to the existing conditions which should be available for staff review soon.

Jennifer Smith asked the applicant when the grass lot is converted into parking, will there be new driveways added. Mr. Angspatt responded they will keep the two existing drives and will not make any additional access drive requests.

Mr. Roszkowski asked the applicant if they will be taking over the Gander store. Mr. Angspatt responded the idea is to re-purpose that store and re-use the building.

Kim Johnsen asked the applicant when they will open. Mr. Angspatt stated they anticipate starting construction in May.

Jennifer Spencer asked the applicant if the interior of the building will be used for sales. Mr. Angspatt responded the final building layout has not been determined yet, but it will be a showroom.

Staff Recommendation is for Approval with nine (9) conditions. No Objectors or Interested parties were present. One email was read into the record.

Scott Capovilla stated he had an interested party via email. The full email will be attach to the Code and Regulation committee agenda packet. The interested party, Clint Woodman stated, "Woodman supports the proposed use of the above mentioned property as a location for new and used passenger vehicle sales and encourages the Zoning Board of Appeals to approve the propose Special Use Permit."

A **MOTION** was made by Kim Johnsen to **APPROVE** Special Use Permit for new and used passenger vehicle sales with a motor vehicle repair shop in a C-2, Limited Commercial Zoning District .The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised site plan and landscaping plan that includes a new interior island to be located within the row of 25 parking stalls located along McFarland Road for staff's review and approval.
4. The property shall be developed as per revised site and landscaping plans.
5. Submittal of a Parking Lot Permit for site and landscaping work to be completed for Staff review and approval.
6. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by staff.
7. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
8. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
9. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR NEW AND USED PASSENGER VEHICLE SALES
WITH A MOTOR VEHICLE REPAIR SHOP
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 3068 MCFARLAND ROAD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage, and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 5:59 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals